

# COUNCIL POLICY

## Adjacent Landowner Property Acquisition

Passed July 25, 2007 – Communication No. 07-493

***Covers Requests to Acquire Butte-Silver Bow Designated or Classified as Surplus Property or any Tax Deeded property offered for sale to the public previously. The Land Sales Committee will make decisions or recommendations for approval prior to going to the Butte-Silver Bow Council of Commissioners for final approval.***

***In order to meet the requirements for this policy, the prospective purchaser must meet the following criteria:***

- A. All property taxes under prospective buyer's name shall be paid in full for the tax year.**
- B. Prospective buyer will not have any community enrichment violations.**

Threshold Criteria: **TO CONSIDER TRANSFERS OF SUCH PROPERTIES TO PRIVATE OWNERS:**

- 1. Prospective buyer owns an existing habitable structure, and/or holds a lease for underlying land to that structure.

(Note: It was common practice in many areas on the Butte Hill for the Anaconda Company to lease 'lots' for residential use, retaining both mineral and surface rights. Today, many of these 'lots' are owned by Butte-Silver Bow due to transfer of property from mining companies to Butte-Silver Bow.)

- 2. Prospective buyer owns the adjoining parcel with a habitable structure and presents an acceptable development plan for the property to be acquired, provided:
  - a. The parcel to be acquired does not exceed 3000 square feet, unless the remainder is less than 3000 square feet or is a non-buildable site based on standard development standards. (Slope, Access, Setbacks, Etc.);
  - b. The parcel to be acquired has legal access to the public right of way.

**Deed Restrictions:**

**IF THE PROSPECTIVE BUYER MEETS EITHER OF THE TWO THRESHOLD CRITERIA (above), THE DEED RESTRICTIONS AND CONDITIONS OF THE SALE SET FORTH SHALL BE ENFORCED.**

- 1. Buyer shall pay the market value set by the Department of Revenue State Appraisal Office. Buyer will also pay for property in full at the time of the completion of the sale.
- 2. There must be a recordable legal description (e.g. Addition, Lot & Block or a Complete Mining Claim or Survey of Record); in the absence thereof, the buyer shall obtain and pay for the recordable Certificate of Survey. Butte-Silver Bow will prepare deeds. Buyer will be responsible for the recording of the deeds and or survey.

3. Buyer shall agree to develop the property to the prevailing development standards for the property, including:
  - a. Building setbacks and other requirements of the land use classification (Zoning Ordinance Title 17, BSBMC);
  - b. Storm water controls, land re-vegetation standards for reclaimed mining areas, as applicable (to be incorporated in BSBMC);
  - c. Title 8.04, BSBMC for weed control;  
  
*(See Back)*
  - d. Title 8.06, BSBMC for community decay;
  - e. Title 8.08, BSBMC for litter control;
  - f. Title 8.12, BSBMC for undesirable vegetation control;
  - g. Title 75-10-501, MCA, for junk motor vehicles;
4. Buyer shall agree to hold harmless and indemnify Butte-Silver Bow, mining companies, and any previous landowners of the property for any and all past, present and future subsidence affecting the property;
5. Buyer must hold ownership of the acquired property for not less than a period of five years from the date of acquisition;
6. Buyer must agree to consolidate the newly purchased parcel into buyer's existing tax parcel for assessment purposes; thus, there will be one tax statement for all the property, not two. Further, taxes will be paid and current on the buyer's existing tax parcel before consolidation can be executed.